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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LUISA HOARD, an Individual

Plaintiff,

vs.

TARGET CORPORATON, LLC a foreign
corporation, DOES I through X, inclusive,
and ROE CORPORATIONS I through X,
inclusive,

Defendants.

CASE NO.: _____

**DEFENDANT TARGET
CORPORATION'S PETITION FOR
REMOVAL AND DEMAND FOR JURY
TRIAL**

PLEASE TAKE NOTICE that Defendant, TARGET CORPORATION, by and through its attorney Alan W. Westbrook, Esq. of PERRY & WESTBROOK, a Professional Corporation, hereby removes this action from the Eighth Judicial District Court of the State of Nevada, in and for Clark County, Nevada, to the United States District Court for the District of Nevada, pursuant to Section 1441 of Title 28 of the United States Code (Diversity of Citizenship).

This removal of this action is based upon the following:

1. This action is a civil action within the meaning of Acts of Congress relating to removal of cases.

1 2. Plaintiff, Luisa Hoard, filed a Complaint for damages in the Eighth Judicial District
2 Court, in and for Clark County, Nevada (the State Court), on February 12, 2021. The State Court
3 assigned this matter number A-21-829372-C. The Complaint alleged a cause of action for
4 negligence against Defendant (a copy of the original Complaint is attached as Exhibit B). Plaintiff
5 also filed an Initial Appearance Fee Disclosure (a copy of the original is attached as Exhibit C); a
6 Demand for a Jury Trial (a copy of the original is attached as Exhibit D); and a Proof of Service
7 (a copy of the original is attached as Exhibit E) .
8

9 3. The Complaint filed by Plaintiff alleges that she “suffered serious injury to her right
10 knee, including a broken patella requiring surgical repair, which has caused her severe pain and
11 suffering, and she has incurred or will incur medical expenses exceeding \$85,000.00.” This
12 amount of medical expenses associated with the subject incident exceeds the \$75,000.00
13 jurisdictional threshold of this Court’s jurisdiction.
14

15 4. Removal to this Court is based upon the receipt of the Complaint by service on the
16 defendant’s Registered Agent on February 18, 2021. See 28 U.S.C. § 1446(b)(3)(“a notice of
17 removal may be filed within thirty days after receipt by the defendant...from which it may first be
18 ascertained that the case is one which is or has become removable.”). Therefore, this Petition is
19 filed within 30 days after receipt by the defendant, through service or otherwise, of a copy of an
20 amended pleading, motion, order or other paper from which it may first be ascertained that the
21 case is one which is or has become removable.
22

23 6. This Court has original jurisdiction over the claims alleged here for the reasons
24 set for below:
25

26 a. According to the Complaint Plaintiff is, and was at all times relevant, a
27 resident of Clark County, Nevada.
28

b. Defendant, Target Corporation, is incorporated in Minnesota, with its principal place of business in Minnesota.

c. Based upon the Plaintiff's assertions in the Complaint that she has "suffered serious injury to her right knee, including a broken patella requiring surgical repair, which has caused her severe pain and suffering, and she has incurred or will incur medical expenses exceeding \$85,000.00."

d. The State Court action is a civil action between citizens of different States, and the matter in controversy exceeds \$75,000.00, exclusive of costs and interest. The District Court has original jurisdiction over the matter pursuant to 28 U.S.C., Section 1332.

7. Defendant will serve a copy of this Notice of Removal immediately upon filing this Petition by filing a Notice of Removal with the State Court and having it electronically served through the Court filing system.

8. Defendant respectfully demands a trial by jury of the above-captioned matter.

WHEREFORE, Defendant hereby removes the State Court Action pending as Case No. A-21-829372-C in the Eighth Judicial District Court of the State of Nevada, in and for Clark County, Nevada, to this Honorable Court.

DATED this 11th day of March, 2021.

PERRY & WESTBROOK
A Professional Corporation

/s/ Alan W. Westbrook

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Attorney for Defendant Target

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of March, 2021, a true and correct copy of the foregoing was served via U.S. Mail upon the following counsel:

ADAM J. BREEDEN, ESQ.

Attorneys for Plaintiff

Nevada Bar No. 008768

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/s/ Jonna Linke

An Employee of PERRY & WESTBROOK

INDEX OF EXHIBITS

EXHIBIT A Civil Cover Sheet

EXHIBIT B Plaintiff's Complaint

EXHIBIT C Plaintiff's Initial Appearance Fee Disclosure

EXHIBIT D Plaintiff's Demand for Jury Trial

EXHIBIT E Proof of Service